

STATE OF MICHIGAN
COURT OF APPEALS

SHAKUR MUHAMMAD,

Plaintiff-Appellant,

and

LEON G. PERCIVAL,

Plaintiff,

v

STATE OF MICHIGAN and INGHAM COUNTY
CIRCUIT COURT,

Defendants-Appellees.

UNPUBLISHED

January 8, 2008

No. 274017

Court of Claims

LC No. 06-000062-MP

Before: Fitzgerald, P.J., and Markey and Smolenski, JJ.

MEMORANDUM.

Plaintiff Muhammad appeals as of right from the trial court's order dismissing plaintiffs' complaint for lack of subject-matter jurisdiction. We dismiss. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiffs are prisoners whose attempts to file various civil action or appeals were rejected under MCL 600.2963. They filed this action seeking in part to have the statute declared unconstitutional on the ground that it violated their civil rights. The trial court interpreted the complaint as seeking appellate review of the orders rejecting plaintiffs' proposed actions and determined that it lacked subject-matter jurisdiction.

While plaintiff Muhammad contends that the trial court erred in its determination that it lacked jurisdiction, his claim is limited to that aspect of the complaint regarding the constitutionality of § 2963(8), which prohibits a prisoner from commencing a new civil action or appeal if he still owes fees and costs due from a prior action in which he had been granted a partial waiver of fees. But plaintiffs' complaint indicates that only plaintiff Percival was affected by the application of § 2963(8), and he is no longer a party to this appeal. Plaintiff Muhammad, who was affected by the application of § 2963(1), was not aggrieved by any court's application of § 2963(8) and thus lacks standing both to challenge the constitutionality of § 2963(8) and to challenge the trial court's order to the extent it affects those claims relating to § 2963(8). MCR

7.203(A). Further, because there is no indication that plaintiff is a lawyer, he cannot litigate any claims relating to § 2963(8) on Percival's behalf. MCL 600.916.

The appeal is dismissed.

/s/ E. Thomas Fitzgerald

/s/ Jane E. Markey

/s/ Michael R. Smolenski